



# Senate

General Assembly

**File No. 198**

January Session, 2015

Substitute Senate Bill No. 706

*Senate, March 24, 2015*

The Committee on Aging reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING MANDATED REPORTERS OF ELDERLY ABUSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17b-451 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (a) [Any physician] For purposes of this subsection, "mandated  
5 reporter" means a: (1) Physician or surgeon licensed under the  
6 provisions of chapter 370; [ , any] (2) resident physician or intern in any  
7 hospital in this state, whether or not so licensed; [ , any] (3) registered  
8 nurse; [ , any] (4) nursing home administrator, nurse's aide or orderly  
9 in a nursing home facility or residential care home; [ , any] (5) person  
10 licensed or certified as an emergency medical services provider  
11 pursuant to chapter 368d or chapter 384d, including any such  
12 emergency medical services provider who is a member of a municipal  
13 fire department; (6) person paid for caring for a patient in a nursing  
14 home facility or residential care home; [ , any] (7) staff person

15 employed by a nursing home facility or residential care home; [, any]  
16 (8) professional patients' advocate, [any] provided no representative of  
17 the Office of the Long-Term Care Ombudsman shall be considered a  
18 professional patients' advocate for purposes of this section; (9) licensed  
19 practical nurse; [,] (10) medical examiner; [,] (11) dentist; [,] (12)  
20 optometrist; [,] (13) chiropractor; [,] (14) podiatrist; [,] (15) social  
21 worker; [,] (16) clergyman; [,] (17) police officer; [,] (18) pharmacist; [,]  
22 (19) psychologist; [or] (20) physical therapist; [,] and [any] (21) person  
23 paid for caring for an elderly person by any institution, organization,  
24 agency or facility, [. Such persons shall include] including, but not  
25 limited to, an employee of a (A) community-based services provider,  
26 (B) senior center, (C) home care agency, (D) homemaker and  
27 companion agency, (E) adult day care center, (F) village-model  
28 community, and (G) congregate housing facility. [,] Any mandated  
29 reporter who has reasonable cause to suspect or believe that any  
30 elderly person has been abused, neglected, exploited or abandoned, or  
31 is in a condition that is the result of such abuse, neglect, exploitation or  
32 abandonment, or is in need of protective services, shall [, not later than  
33 seventy-two hours after such suspicion or belief arose,] report such  
34 information, or cause a report to be made in any reasonable manner,  
35 not later than seventy-two hours after such suspicion or belief arose, to  
36 the Commissioner of Social Services or to the person or persons  
37 designated by the commissioner to receive such reports. Any [person  
38 required to report under the provisions of this section] mandated  
39 reporter who fails to make such report within the prescribed time  
40 period shall be fined not more than five hundred dollars, except that, if  
41 such [person] mandated reporter intentionally fails to make such  
42 report within the prescribed time period, such person shall be guilty of  
43 a class C misdemeanor for the first offense and a class A misdemeanor  
44 for any subsequent offense. Any institution, organization, agency or  
45 facility employing individuals to care for persons sixty years of age or  
46 older shall provide mandatory training on detecting potential abuse,  
47 [and] neglect, exploitation or abandonment of such persons and  
48 inform such employees of their obligations under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	17b-451(a)

***Statement of Legislative Commissioners:***

In Subsec. (a)(5), "licensed and certified" was changed to "licensed or certified", and "pursuant to chapter 384d" was changed to "pursuant to chapter 368d or chapter 384d" for accuracy.

**AGE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill adds emergency medical service providers to the list of mandated reporters of elderly abuse. Violations of this statute are a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense. There have been no offenses under the current statute to date. Therefore, this expansion of the list of required mandated reporters is not anticipated to result in any fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 706*****AN ACT CONCERNING MANDATED REPORTERS OF ELDERLY ABUSE.*****SUMMARY:**

This bill makes several changes to the law requiring certain professionals (e.g., mandated reporters) to notify the Department of Social Services when they reasonably suspect an elderly person (1) has been abused, neglected, abandoned, or exploited or (2) needs protective services.

The bill adds the following licensed or certified emergency medical service providers to the list of people who are mandated reporters: paramedics; emergency medical responders, technicians, advanced technicians, and technician-paramedics; service instructors; and any of these professionals who are members of a municipal fire department.

It also limits the types of patient advocates who are mandated reporters to those who are professional patients' advocates and excludes Office of the Long-Term Care Ombudsman representatives.

Finally, the bill expands the training that institutions, organizations, agencies, and facilities employing individuals to care for people age 60 or older must provide to their employees. The bill requires this training to (a) cover detecting elderly exploitation and abandonment, in addition to the current topics of abuse and neglect, and (b) informing employees of their reporting responsibilities.

EFFECTIVE DATE: October 1, 2015

**BACKGROUND*****Mandated Elder Abuse Reporters***

In addition to those discussed above, the following people are mandated reporters:

1. licensed physicians, surgeons, and practical nurses;
2. hospital resident physicians and interns, registered nurses, medical examiners, dentists, optometrists, chiropractors, podiatrists, social workers, pharmacists, psychologists, and physical therapists;
3. members of the clergy;
4. police officers;
5. nursing home administrators, nurse's aides, orderlies, staff employees, and others paid to care for patients in nursing homes or residential care homes; and
6. anyone paid by an institution, organization, agency, or facility to care for an elderly person, including employees of (a) community-based services providers, (b) senior centers, (c) home care and homemaker-companion agencies, (d) adult day care centers, (e) village-model communities, and (f) congregate housing facilities.

By law, failing to report is punishable by a fine of up to \$500. An intentional failure to report is a class C misdemeanor for a first offense (punishable by up to three months in prison, a fine of up to \$500, or both) and a class A misdemeanor for a subsequent offense (punishable by up to one year in prison, a fine of up to \$2,000, or both).

## **BACKGROUND**

### ***Related Bill***

sSB 1005, favorably reported by the Aging Committee, contains similar provisions.

## **COMMITTEE ACTION**

Aging Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/05/2015)